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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/736,934 | 12/14/2000 | Ashok Kumar | 00-5011 | 1537 |

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EXAMINER

BROSS, EDWARD J

| ART UNIT | PAPER NUMBER |
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2126

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DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,934

Applicant(s)

KUMAR ET AL.

Examiner

Edward Bross

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language in the following claims is not understood:

- a. As to claims 1, 2, 6, 7, 11, 12, 16, and 17, the applicant recites the limitation "switches" and it is unclear whether or not this refers to the singular "telecommunications switch" cited in the first line of claims 1, 6, 11 and 16.
- b. As to claims 5, 10, 15, and 20, the applicant recites the limitation "wherein the ports on a switch..." and it is unclear whether or not this refers to the same telecommunications switch as in the first line of claims 1, 6, 11 and 16.

Claim Rejections - 35 USC § 103

Art Unit: 2126

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 7, 11, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basilico (5,864,535).

6. As to claims 1, 6, 11, and 16, Basilico teaches a method for load balancing a telecommunications switch in a telecommunications system, the switch including a plurality of cards (Figs. 2-3, col. 2, lines 56-57), each having a plurality of ports (col. 2, line 59-62), each port being adapted to provide a customer with one or more telecommunications services (col. 2, lines 51-52), the method comprising:

compiling a list of switches, cards and ports available for providing the desired services (Figs. 1 and 3, col. 3, lines 23- 26);

selecting a port on the basis of one or more of (a) a loading on the card on which the port under consideration is located and (c) a length of jumper wire necessary to connect the port under consideration to a frame in a telecommunications central office, (col. 3, lines 35-40).

7. Basilico does not explicitly teach that the selecting a port is for provision of the desired service; however, providing the connection to the destination port as taught by Basilico serves the same function of provisioning that port for the desired service.

Art Unit: 2126

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made that in fact Basilico's system for selecting a port serves the function of provisioning that port for performing certain services.

9. As to claims 2, 7, 12, and 17, Basilico teaches that the list of available switches, cards and ports is maintained in a table in a database (56, Figs. 3-4).

10. Claims 3-5, 8-10, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basilico (5,864,535) as applied to claims 1, 6, 11 and 16 above, and further in view of Cooper (5,809,282).

11. As to claims 3, 8, 13, and 18, Basilico does not teach the soliciting from a user the percentage weighting factors for the respective priorities of (a), (b) and (c), the weighting factors adding up to 100%. Cooper teaches the soliciting from a user the percentage weighting factors for the respective priorities of (a), (b) and (c), the weighting factors adding up to 100% (330, Fig. 3 and col. 5, line 66- col. 6, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Basilico and Cooper because allowing the user to select the priorities of the weighting factors allows each user to customize the behavior to their particular needs.

Art Unit: 2126

12. As to claims 4, 9, 14, and 19, Cooper teaches that in the selecting step, available cards are analyzed one by one, in decreasing order of cost, on the basis of (a), (b) and (c) (1070 Fig. 10).

13. As to claims 5, 10, 15, and 20, Basilico teaches that the channels can be grouped (col. 5, lines 42-43) and that the loading of ports on a card be determined on a load basis (col., 3 line 40). Basilico does not explicitly teach that the ports on a switch are divided into one or more switch equipment groups, each switch equipment group is divided into one or more load groups, and each load group is divided into one or more directory groups, and the connection of ports to a frame being effected in units of directory groups. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further group the ports in this hierarchical manner because this would allow a higher degree of control over the switch.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent #5,757,903 Welter, Jr. discloses processing and routing of calls directed to specific termination switches.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Bross whose telephone number is 305-8754. The examiner can normally be reached on Mon-Fri 8:30-5:00.

Art Unit: 2126

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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